

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

-----X
:
BRUCE SAYLES, :
:
Plaintiff, :
:
-against- :
:
PACIFIC ENGINEERS & :
CONSTRUCTORS, LTD (PECL), :
BECHTEL GROUP, INC., :
BECHTEL CORPORATION, :
AMERICAN BECHTEL, INC., :
FORMOSA PLASTICS CORPORATION, :
FORMOSA PLASTICS CORPORATION, :
USA (FPG, USA), :
:
:
Defendants. :
:
-----X

STATEMENT OF UNDISPUTED
MATERIAL FACTS

08-cv-00676-WMS-HBS

Defendant Formosa Plastics Corporation, USA (“Formosa USA”), incorrectly named herein as Formosa Plastics Corporation, USA (FPG, USA), by an through its undersigned counsel, hereby submits, pursuant to the Federal Rules of Civil Procedure 56 and the Western District’s Local Civil Rule 56.1(a), the following facts that are not fairly in dispute:

1. Plaintiff’s allegations arise out of an incident which occurred in Taiwan on or about January 2, 2007 during the course of his employment with Harper International. See Plaintiff’s Complaint at ¶ 178.

2. Formosa USA has no connection with the alleged accident involving the plaintiff. See Affidavit In Support of Defendant Formosa Plastics Corporation, USA’s Motion for Summary Judgment at ¶ 1.

3. Formosa USA has no ownership interest in or responsibility for the facility in Taiwan where the plaintiff was allegedly injured. *See Affidavit In Support of Defendant Formosa Plastics Corporation, USA's Motion for Summary Judgment at ¶¶ 1, 7.*

4. Formosa USA has no maintenance or other responsibilities at FPC's facility in Taiwan where the plaintiff claims to have been injured. *See Affidavit In Support of Defendant Formosa Plastics Corporation, USA's Motion for Summary Judgment at ¶ 7.*

5. Formosa USA has no financial interest in the operations of FPC. *See Affidavit In Support of Defendant Formosa Plastics Corporation, USA's Motion for Summary Judgment at ¶ 7.*

6. Formosa USA had absolutely no interaction with either Mr. Sayles or his employer Harper. *See Affidavit In Support of Defendant Formosa Plastics Corporation, USA's Motion for Summary Judgment at ¶ 6.*

7. Formosa USA was not involved in any contract or agreement to purchase the furnace referred to in plaintiff's Complaint. *See Affidavit In Support of Defendant Formosa Plastics Corporation, USA's Motion for Summary Judgment at ¶ 6.*

8. Formosa USA had no involvement with respect to the installation of the furnace at the FPC facility in Taiwan. *See Affidavit In Support of Defendant Formosa Plastics Corporation, USA's Motion for Summary Judgment at ¶ 7.*

9. Formosa USA had no contracts or other agreements with any of the co-defendants. *See Affidavit In Support of Defendant Formosa Plastics Corporation, USA's Motion for Summary Judgment at ¶ 8.*

Dated: February 26, 2010

HISCOCK & BARCLAY LLP

By: s/ Dennis R. McCoy
Dennis R. McCoy
1100 M&T Center
3 Fountain Plaza
Buffalo, New York 14203
(716) 556-1560
dmccoy@hblaw.com

Attorneys for Defendant
Formosa Plastics Corporation, USA